

Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

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Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Introduction;

These guidelines were developed to assist Massachusetts State Facilities in the procurement of maintenance or repair projects having a total project cost up to \$100,000.

Acknowledging the need to ease the procurement process for both Awarding Authorities and Bidders, facilitate sound preventative maintenance activities and preserve the useful life of the Commonwealth's assets, the DCAM Office of Facilities Maintenance, with input and assistance from individuals, MAFMA members, and agencies, has prepared this guide line.

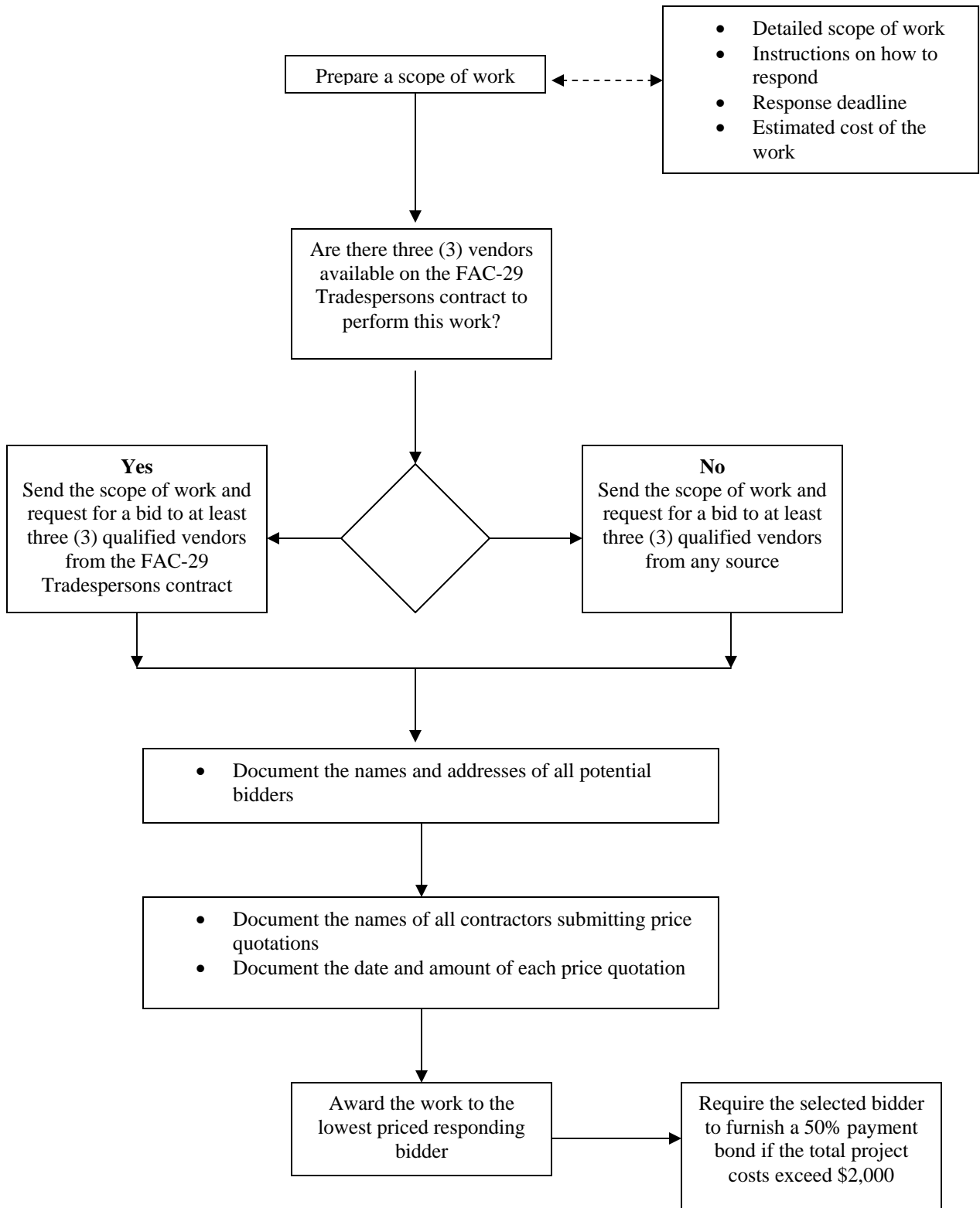
Within these guidelines are the definitions, steps and forms you will need to successfully conduct procurement for maintenance, or repair projects. Also, this guide line provides flowcharts to assist the Awarding Authority through the process.

Any Awarding Authority using this guideline is responsible for developing its own scopes of work, identifying the unique needs of its facilities and following the current requirements related to the procurement of work to be performed.

The information contained herein is accurate as of October 2007 and will be updated and republished as the requirements pertaining to public procurement change.

Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Steps for bidding maintenance and repair work costing less than \$10,000



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Steps for bidding maintenance and repair work costing less than \$10,000,

Upon completion of the plans and specifications the work to be done must be publicly and competitively bid.

For construction, reconstruction, installation, demolition, maintenance, or repair of a building project with a total cost equal to or **less than \$10,000** the Awarding Authority must;

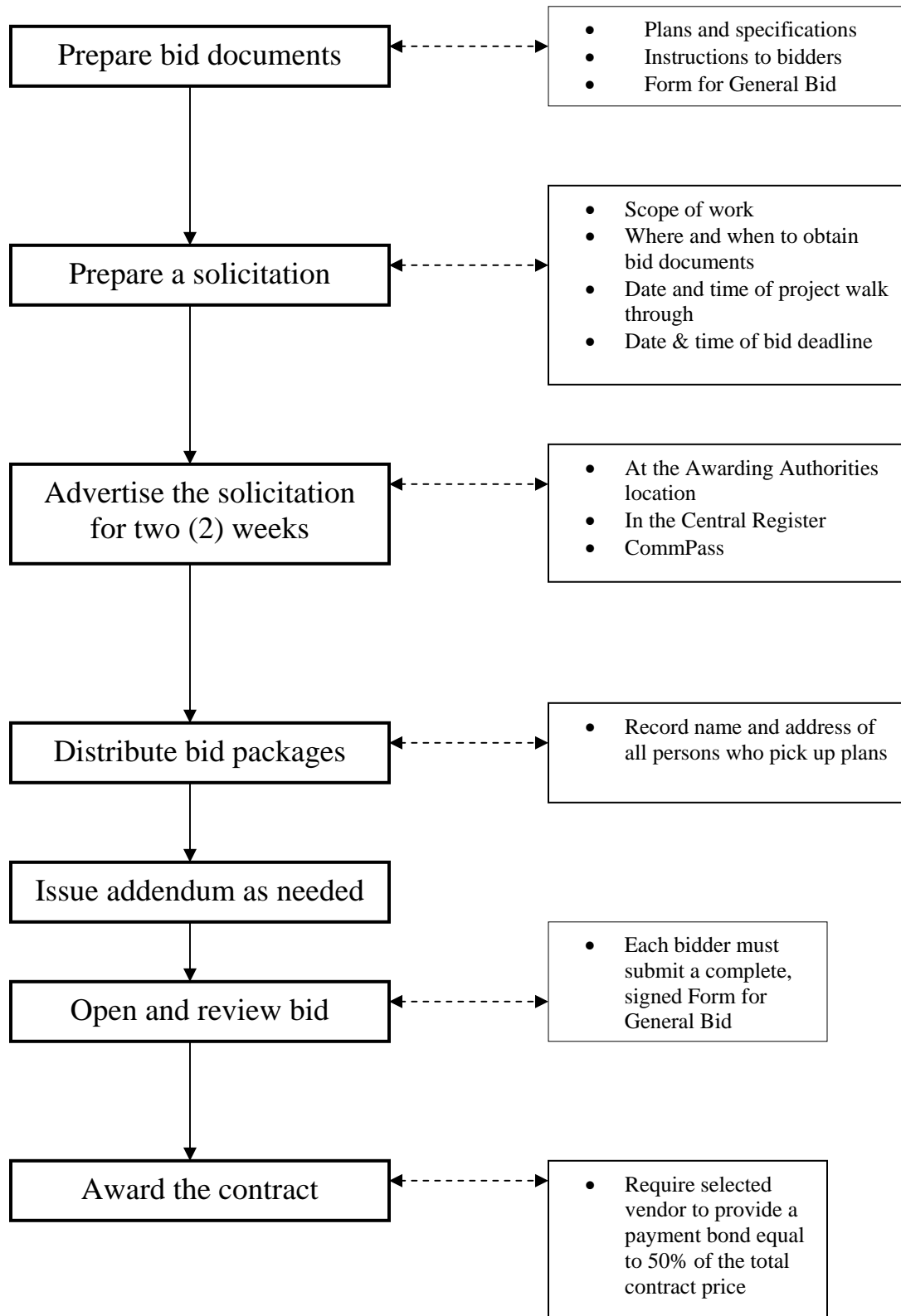
- Prepare the plans and specifications
- Solicit written price quotations from no less than three competent bidders who customarily provide* the type of work/service sought.
- Document the names and addresses of all contractors from which price quotations were sought
- Document the names of all contractors submitting price quotations
- Document the date and amount of each price quotations
- Require the selected vendor to provide a 50% payment bond if the contract cost exceeds \$2,000
- Award the project to the vendor who provides the lowest price quotation

** The Operational Services Division maintains a list of qualified tradespersons on the FAC-29 Master Service Agreement contract. Awarding Authorities should solicit from vendors on the FAC-29, Master Service Agreement, list whenever possible. If the vendors on this list are unresponsive or there is less than three vendors to solicit from, the Awarding Authority may solicit the work from all other available sources.*

For more information regarding the Operation Service Division please visit their web site at <http://www.mass.gov/?pageID=osdhomepage&L=1&L0=Home&sid=Aosd>

Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Steps for bidding maintenance and repair work costing between \$10,000- \$25,000



Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Steps for bidding maintenance and repair work costing between \$10,000- \$25,000

For construction, reconstruction, installation, demolition, maintenance, or repair of a building projects with a total cost of **more than \$10,000 and less than \$25,000** the Awarding Authority shall seek written price quotations from competent bidders who customarily provide* the type of work/service sought through a public notification/solicitation at least two (2) weeks before the bid deadline.

The Awarding Authority shall;

- Prepare the plans and specifications
- Prepare a bid document package including,
 - The plans and specifications
 - The Instructions to Bidders*²
 - The Form for General Bid *³
- Prepare a notice of solicitation including,
 - Where and when plans and specifications may be picked up
 - Where and when a site visit will be held
 - Time and date of the bid deadline
 - Sufficient facts regarding the nature and scope of the project to assist bidders in deciding whether or not to bid on the contract
- Post the solicitation in a conspicuous place near the Awarding Authorities primary office
- Optionally, publishing the solicitation on CommPass*
- Publishing the solicitation in the Central Register*⁴
- Distribute the bid package to potential bidders
 - Each potential bidder that picks up a bid package must provide a name and address where addendum can be sent
- Issue addendum as needed
- Open and review the bid responses
 - Each bidder must acknowledge each addendum with their bid
- Require the selected vendor to provide a payment bond in an amount no less than 50% of the price quotation
- Award the contract

** The Operational Services Division maintains a list of qualified tradespersons on the FAC-29 Master Service Agreement contract. Awarding Authorities should solicit from vendors on the FAC-29, Master Service Agreement, list whenever possible. If the vendors on this list are unresponsive or there is less than three vendors to solicit from, the Awarding Authority may solicit the work from all other available sources.*

For more information regarding the Operation Service Division please visit their web site at <http://www.mass.gov/?pageID=osdhomepage&L=1&L0=Home&sid=Aosd>

**² Separate document available on the DCAM MAFMA website*

**³ Separate document available on the DCAM MAFMA website*

**⁴ For more information on the Central Register visit <http://www.sec.state.ma.us/spr/sprinf/infobids.htm>*

Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Steps for bidding maintenance and repair work costing \$25,000 - \$100,000

Massachusetts General Laws Chapter 149 requires that construction, reconstruction, installation, demolition, maintenance, or repair of a building project with a total cost of more than **\$25,000 and less than \$100,000**, be bid publicly and competitively bid in accordance with the procedures set forth in the Massachusetts General Laws Chapter 30, §39M.

1. Prepare the bid document package including the;

- Plans and specifications
- Instructions to Bidders *1
- Form for General Bid *2
 - Paragraph A includes the project, plans, specifications and name of designer.
 - Paragraph B is where the bidder acknowledges receipt of any addenda
 - Paragraph C is where the bidder lists the total contract price and prices for any alternates
 - Included within Paragraph C, as an insert, is the Unit Price Sheet
- Owner Contractor Agreement *3
- General Terms and Conditions *4

2. Advertise the project;

- Solicit competitive sealed bids by advertising a notice inviting bids in
 - The Central Register* for at least two weeks before the deadline for submitting a bid
 - In a Newspaper of general circulation, in the local where the work is to be done, at least two weeks before the deadline for submitting a bid
 - A public place at the Awarding Authority's location for at least one week prior to the deadline for submitting a bid
- The bid advertisement must include
 - Where and when plans and specifications may be picked up
 - Where and when the bids will be opened
 - Where and when general bids must be submitted
 - Sufficient facts regarding the nature and scope of the project to assist bidders in deciding whether or not to bid on the contract
 - As an option the Awarding Authority may require a refundable bid deposit.

* For more information on the Central Register visit <http://www.sec.state.ma.us/spr/sprinf/infobids.htm>

*1 Separate document available from DCAM

*2 Separate document available from DCAM

*3 Separate document available on the DCAM MAFMA website

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Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Steps for bidding maintenance and repair work costing \$25,000 - \$100,000

3. Distribute the bid packages;

- Plans and specifications
- Instructions to Bidders *1
- Form for General Bid *2
- Owner Contractor Agreement *3
- General Terms and Conditions *4
- Addenda if available
- Each potential bidder that picks up a bid package must provide a name and address where addendum can be sent
- Collect and record bid deposits from all persons picking up bid packages
- The list of plan holders shall be posted in;
 - Weekly in the Central Register*
 - A public place at the Awarding Authority's location

4. Issue addendum as needed;

If the Awarding Authority needs to make a change to the plans, specifications walk through date & time, bid dead line, or any other substantive matter than an addendum should be issued.

- The addendum must be sent to all recorded plan holders.
- Bidders should be given no less than 2 business days to consider the addendum in their bid response. If necessary, use the addendum to extend the bid dead line to allow adequate time for bidders to respond.
- Each bidder shall be required to acknowledge each addendum with their bid
- Each potential bidder has the right to ask the Awarding Authority written questions concerning the project. The Awarding Authority can set a deadline for accepting questions. The Awarding Authority must publish all written questions and answers a minimum of two (2) weeks before the bid opening in all the same media used for the advertising and solicitation for the work.

5. Receive the bids;

- Publicly open and read the bids at the time they are due
- Require all bidders to submit a five percent (5%) bid deposit with their bids

** For more information on the Central Register visit <http://www.sec.state.ma.us/spr/sprinf/infobids.htm>*

**1 Separate document available from DCAM*

**2 Separate document available from DCAM*

**3 Separate document available on the DCAM MAFMA website*

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Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Steps for bidding maintenance and repair work costing \$25,000 - \$100,000

6. Bid rejections;

- A bid **must** be rejected if,
 - The bidder fails to provide a bid deposit
 - The bid does not comply with any other section in matters of substance
 - The bid is incomplete, conditional, or obscure, or contains additions not called for
- A bid **may** be rejected if,
 - The bidder is not responsible
 - It is in the public's interest to do so
 - The bid includes only a minor or trivial deviation from a statutory requirement

7. Award;

Award the project to the lowest bidder who is both responsible and eligible.

Responsible means, demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called out for by a particular contract.

Eligible means, able to meet the requirements for bidders, not debarred and certifies that they can furnish all labor in harmony with all other elements of labor.

The selected bidder must furnish a payment of at least 50% of the contract award price within ten (10) days of the notice of contract award. A performance bond is not required although the Awarding Authority may choose to have one provided.

If the selected contractor fails to execute the contract or furnish the required bonds, in the time allowed, the Awarding Authority should award the contract to the next lowest responsible and eligible bidder.

The Awarding Authority must award the contract within 30 days of the bid deadline. If the general bidder selected fails to execute the contract or obtain proper bonding the 30 day rule does not apply, provide the second lowest bidder consents to accepting the contract after 30 days.

8. Bid deposits;

- Keep the bid deposits of the lowest three bidders until the execution of the contract
- Return the bid deposits of all other bidders within five (5) working days of the general bid opening.
- Return the bid deposits of all other bidders upon execution of the contract

Guidelines for procurement of building maintenance and repair projects costing up to \$100,000.

Considerations of existing regulations, governance and requirements

Massachusetts General Law c. 149 §44A-M governs procurement and contracts for construction, reconstruction, installation, demolition, maintenance, or repair of a building. In part, the procurement law requires competitive bidding for all building related projects regardless of the size, scope, complexity or cost. The procurement laws define the processes for procurement, the documentation required and the manner in which to administer the work.

Massachusetts General Law chapter 149 §44A-M states, in part, that building contracts shall be awarded to the lowest priced, *responsible* and *eligible* bidder.

Responsible means, demonstrably possessing the skill, ability and integrity necessary to faithfully perform the work called out for by a particular contract.

Eligible means, able to meet the requirements for bidders, not debarred and certifies that they can furnish all labor in harmony with all other elements of labor.

The Massachusetts General Law c. 149 requires, in part, that all public building contracts comply with the prevailing wage requirements and rates in effect at the time of the construction, reconstruction, installation, demolition, maintenance, or repair of buildings procurement.

The prevailing wage law applies for all building related projects regardless of the size, scope, complexity or cost. The prevailing wage law requires the contractor to submit certified payrolls on a weekly basis showing the names, address, occupational classification, hours worked and wages paid. These records must be kept for three years from the end of the contract and be available for inspection by an interested party. Within 15 days after completing its work each contractor and subcontractor must file a statement of compliance with the prevailing wage law.

The Massachusetts General Law c.149 requires, in part, all persons hired by competitive bidding to engage in construction, reconstruction, installation, demolition, maintenance, or repair of a building, with a project cost exceeding \$10,000, to have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration.

The Massachusetts General Law c. 193 requires, in part, Awarding Authorities to incorporate participation goals for minority owned businesses and women owned businesses on state-assisted building projects (construction, reconstruction, installation, demolition, maintenance, or repair) that include any funding, including grants and reimbursements, from the Commonwealth.

The Massachusetts General Law c. 149 requires, in part, that contractors certify that they do not knowingly use undocumented workers in connection with work and that they have verified the immigration status of all workers employed in connection with any work for the Awarding Authority